

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2011-094361

10/12/2011

HONORABLE KAREN POTTS

CLERK OF THE COURT
M. Scott
Deputy

BRENDA A LENDVAY, et al.

JOHN N VINGELLI

v.

MARK MOSS, et al.

JOHN R CUNNINGHAM

COMPREHENSIVE PRETRIAL CONFERENCE SET

The Court has received and reviewed Plaintiff's Rule 16(c) Notice to the Court in this matter.

IT IS ORDERED setting a telephonic Comprehensive Pretrial Conference on **November 9, 2011 at 1:45 p.m. (15 minutes reserved)** before:

HONORABLE KAREN A. POTTS
SUPERIOR COURT OF ARIZONA
SOUTHEAST COURTHOUSE
COURTROOM 207
222 EAST JAVELINA
MESA AZ 85210

NOTE: Plaintiff shall be responsible for initiating the conference call by calling this division at **602-372-1160** with all participating parties and counsel on the line at the date and time specified above.

JOINT PRETRIAL MEMORANDUM

IT IS ORDERED:

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Counsel and any self-represented litigants are to meet personally to discuss all of the matters set forth in Ariz. R. Civ. P. 16(b). The parties shall prepare and file with the Court, no later than **5:00 p.m. on November 2, 2011**, a Joint Pretrial Memorandum with discovery, motion, and disclosure deadlines.

If the parties agree to the dates, they should file a Joint Pretrial Memorandum and prepare an Order in the form set forth below, containing the provisions which are applicable to their case. If the parties are unable to agree on any of the provisions that are to be included in the Order, the reasons for their inability to agree shall be set forth in the Joint Pretrial Memorandum, and the parties shall submit a proposed Order without dates included.

The Joint Pretrial Memorandum shall include specific dates ("December 5, 2007" is a specific date; "90 days prior to trial" is not a specific date). Do not include a trial date in the Joint Pretrial Memorandum.

If a Joint Pretrial Conference Memorandum is not timely submitted, the Court will place the matter on the Inactive Calendar for dismissal.

PROPOSED LANGUAGE FOR ORDER:

The Court has received and reviewed the parties' Joint Pretrial Memorandum. In accordance therewith,

IT IS ORDERED:

1. Plaintiff's final expert disclosure (in accordance with Ariz.R.Civ.P. 26.1 (a)(6)) shall be served by _____, **2011.**
2. Defendant's final expert disclosures (in accordance with Ariz.R.Civ.P. 26.1 (a)(6)) shall be served by _____, **2011.**
3. Any rebuttal expert disclosures (in accordance with Ariz.R.Civ.P. 26.1 (a)(6)) shall be served by _____, **2011.**
4. Final non-expert disclosures (in accordance with Ariz.R.Civ.P. 26.1 (a)(6)) shall be served by _____, **2011.**
5. All discovery shall be completed by _____, **2011.**
6. The parties remaining in this action shall complete mediation by _____, **2011.**

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IT IS ORDERED: The parties shall participate in private mediation. The cost of private mediation shall be paid proportionately by the parties.

OR

The parties shall participate in a mandatory Settlement Conference. This matter is referred to the court's Alternative Dispute Resolution for the appointment of a judge *pro tempore* to conduct a settlement conference. Counsel and any self-represented litigants will contact the appointed judge *pro tempore* to arrange the time and location for the settlement conference. The judge *pro tempore* is requested to conduct a settlement conference not later than _____, 2011. The Office of Alternative Dispute Resolution will not do the scheduling of the settlement conference so please do not contact that office.

7. No expert witnesses, expert opinions, lay witnesses, or exhibits shall be allowed at trial other than those disclosed in a timely manner, except for good cause shown or written agreement of the parties.
8. A telephonic status conference is set for _____, 2010 at _____ m. for the purpose of assigning a trial date if the case has not settled.

NOTE: Plaintiff shall be responsible for initiating the conference call by calling this division at **602-372-1160**, with all participating parties and counsel on the line, at the date and time specified above.

9. Should any discovery disputes arise, any party seeking a discovery order shall, prior to filing discovery motions, meet and confer pursuant to Ariz.R.Civ.P. 37(a)(2)(C). If a discovery issue is time sensitive, the Court will hear the matter on an expedited basis.

PLEASE NOTE: This Court utilizes a digital audio recording system to preserve the official record of proceedings. Persons requesting copies of recorded proceedings do not have to provide blank CDs. All CDs will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Counsel or litigants must complete the appropriate request form which may be obtained from the Self-Service Center or from Court staff and present the completed form to the Self-Service Center. All fees must be handled through the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD.

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ALERT: Effective September 1, 2011, the Arizona Supreme Court Administrative Order 2011-87 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.